

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

LEO LAMONICA FLEETON, :
 :
 Petitioner, :
 :
 v. : CIVIL ACTION 04-0810-BH-M
 :
 STEPHEN BULLARD, :
 :
 Respondent. :

ORDER

After due and proper consideration of all pleadings in this file, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that this action be **DISMISSED WITHOUT PREJUDICE** so that Petitioner may pursue unexhausted claims in the State Courts.

DONE this 26th day of September, 2005.

W. B. HAND
SENIOR DISTRICT JUDGE